

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TOMAHAWK MANUFACTURING, INC.,  
et al.,

Plaintiffs

v.

SPHERICAL INDUSTRIES, INC., et al.,

Defendants

Case No.: 2:23-cv-01007-APG-NJK

**Order**

Defendant Christopher Duggan sent an email to my courtroom deputy that is an *ex parte* communication with the court and that may waive the attorney client privilege for the contents of that email. Without making a ruling on that issue, I advise Duggan that he cannot communicate *ex parte* with the court through contact with the courtroom deputy. *See* LR IA 7-2. I direct the clerk of court to file the email under seal separately from this order, with a copy to be provided to the defendants' counsel.

Additionally, Duggan is still represented by counsel, so the motion he sent to my courtroom deputy to file will not be filed. LR IA 11-6(a) ("Unless the court orders otherwise, a party who has appeared by attorney cannot while so represented appear or act in the case. This means that once an attorney makes an appearance on behalf of a party, that party may not personally file a document with the court; all filings must thereafter be made by the attorney."). Moreover, Duggan is advised that if he eventually proceeds pro se in this case, he cannot file documents by emailing them to my courtroom deputy. Instead, he must comply with the Local Rules on filing documents. The Local Rules are available on the court's website at: [nvd.uscourts.gov](http://nvd.uscourts.gov).

1 I THEREFORE ORDER the clerk of court to file separately and under seal the email  
2 defendant Christopher Duggan sent to my courtroom deputy and to send a copy of the email to  
3 the defendants' counsel, but not to the plaintiffs' counsel.

4 I FURTHER ORDER that the motion defendant Christopher Duggan sent by email to my  
5 courtroom deputy will not be filed because he is still represented by counsel in this case and  
6 because sending a copy of a motion to my courtroom deputy is not a proper way to file a  
7 document in this case.

8 DATED this 4th day of January, 2024.

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11 ANDREW P. GORDON  
12 UNITED STATES DISTRICT JUDGE  
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